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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,590	06/25/2003	Katsunori Ueda	MIT5:052	5866
7590 06/28/2004				
ROSSI & ASSOCIATES P.O. Box 826 Ashburn, VA 20146-0826			EXAMINER TRAN, BINH Q	
			ART UNIT 3748	PAPER NUMBER
DATE MAILED: 06/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,590	UEDA ET AL.	
	Examiner	Art Unit	
	BINH Q. TRAN	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/25/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ide (Patent Number 6,408,618).

Regarding claim 1, Ide discloses an exhaust emission control apparatus for an internal combustion engine (3), comprising: a control device (2) that provides control to suspend combustion of at least one of cylinders (1-3, 4-6) (e.g. See col. 3, lines 6-58) according to an operating state of the internal combustion engine; a first exhaust passage (e.g. 10L, 10R) connected to the suspended cylinders; a second exhaust passage (e.g. 10L, 10R) connected to operating cylinders (1-3, 4-6) other than the suspended cylinders; a second exhaust purifying catalyst (e.g. 11L, 11R) disposed in said second exhaust passage; and a first exhaust purifying catalyst (e.g. 11L, 11R) disposed in said first exhaust passage and having a higher capability to purify exhaust gas than said

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second exhaust purifying catalyst (e.g. See col. 8, lines 45-67; col. 9, lines 1-67; col. 10, lines 1-28).

Regarding claim 2, Ide further discloses that the control device is operable when combustion of the suspended cylinders is suspended, for providing control to stop supply of fuel to the suspended cylinders first, and then stop at least one of an intake valve and an exhaust valve of the suspended cylinders when a predetermined period of time has elapsed after the supply of fuel is stopped (e.g. See col. 8, lines 45-67; col. 9, lines 1-67; col. 10, lines 1-28).

Regarding claim 3, Ide further discloses that the first exhaust purifying catalyst contains a larger amount of noble metal than said second exhaust purifying catalyst (e.g. See col. 4, lines 23-36).

Regarding claim 4, Ide further discloses that the first exhaust purifying catalyst is a NO_x occluding catalyst capable of occluding NO_x in exhaust gas (e.g. See col. 4, lines 23-36).

Regarding claim 5, Ide further discloses that the first exhaust purifying catalyst has a larger catalytic capacity than said second exhaust purifying catalyst (e.g. See col. 4, lines 23-36).

Regarding claim 6, Ide further discloses that the internal combustion engine comprises a V shape internal combustion engine (e.g. See col. 3, lines 6-46).

Regarding claim 7, Ide further discloses that the suspended cylinders constitute one bank of the V shape internal combustion engine, and the operating cylinders constitute an other bank of the V shaped internal combustion engine (e.g. See col. 3, lines 6-46).

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Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of five patents:

Surnilla et al. (Patent Number 6568177), Hoshi (Patent Number 6151890), Ma (Patent Number 6023929), Denari et al. (Patent Number 6164065), and Glugla et al. (Patent Number 6389806) all discloses an exhaust gas purification for use with an internal combustion engine.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (703) 305-0245. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (703) 308-2623. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



BT
June 25, 2004

Binh Tran
Patent Examiner
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